

## REMARKS

Claims 1-12 are currently pending in the present application, of which Claims 1-5 and 8-12 have been amended.

### Rejection under 35 U.S.C. § 101

Claims 9-12 were rejected under 35 U.S.C. § 101 for directing to non-statutory subject matter. Applicant respectfully traverses such rejection insofar as it might apply to the claims as amended herein.

The preamble of Claims 9-12 have been amended from "computer program product" to "computer storage medium." Thus, the § 101 rejection is believed to be overcome.

### Rejection under 35 U.S.C. § 112

Claims 1, 5 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for not particularly pointing out and distinctly claiming the subject matter that Applicant regards as the invention. Applicant respectfully traverses such rejection insofar as it might apply to the claims as amended herein.

Amended Claim 1 (and similarly Claims 5 and 9) now recites "protecting said container against incomplete groups of said data packets ... according to a grouping criteria" to provide antecedent basis for "said grouping criteria." Thus, the § 112 rejection is believed to be overcome.

### Rejection under 35 U.S.C. § 103

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mann et al.* (US 6,957,281). Applicant respectfully traverses such rejection insofar as it might apply to the claims as amended herein.

Amended Claim 1 (and similarly Claims 5 and 9) now recites a step of "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically

separated from each other, wherein each of said sets of data packets is provided by one of said non-synchronous compute nodes."

On page 3 of the Office Action, the Examiner asserts that the claimed receiving step is disclosed by *Mann* in Figure 1 as I/O controller 110 and in col. 4, lines 45-60. It seems the Examiner has characterized that each session in which packets received at I/O controller 110 as the claimed non-synchronous computer nodes. However, the Examiner's characterization of *Mann*'s session does not include "non-synchronous computer nodes physically separated from each other" (emphasis added), as claimed.

Amended Claim 1 also recites a step of "inserting said data packets into a software container according to user predetermined rules for determining a logical order for said data packets."

On page 4 of the Office Action, the Examiner asserts that the claimed receiving step is disclosed by *Mann* in col. 3, lines 6-9, 41-48, col. 4, lines 30-51 and col. 5, lines 18-28. According to *Mann* in col. 4, lines 30-41, a packet queue 220 is implemented in a first-in-first-out (FIFO) manner. However, FIFO is not "user predetermined rules for determining a logical order," as claimed. But more importantly, FIFO will not work with the claimed invention because different sets of data packets from different non-synchronous compute nodes arrive at different times, and FIFO cannot provide the correct order to synchronize the various data packets. Moreover, if FIFO is being utilized, then it is not necessary to have the claimed step of "locating common groups of said data packets within said software container according to said user predetermined rules" since the order has already been defined. Incidentally, this means *Mann* does not teach or suggest the claimed locating step either.

Because the claimed invention recites novel features that are not taught or suggested by *Mann*, the § 103 rejection is believed to be overcome.

### CONCLUSION

Claims 1-12 are currently pending in the present application. For the reasons stated above, Applicants believe that independent Claims 1, 5 and 9 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any additional fee or extension of time is required for the prosecution of the present application, please charge it against BAE Corporation Deposit Account No. **19-0130**.

Respectfully submitted,



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